

IN THE UNITED STATES DISTRICT COURT

FILED  
BILLINGS DIV.

FOR THE DISTRICT OF MONTANA 2009 MAR 3 PM 12 37

BILLINGS DIVISION

PATRICK E. DUFFY, CLERK

BY

DEPUTY CLERK

ALAN CRAIG STOPS,

)

CV-08-49-BLG-RFC-CSO

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Plaintiff,

)

)

vs.

)

)

ORDER ADOPTING FINDINGS  
AND RECOMMENDATIONS OF  
U.S. MAGISTRATE JUDGE

JOSEPH BULL TAIL, et al.,

)

)

Defendants.

)

)

On February 10, 2009, United States Magistrate Judge Carolyn S. Ostby entered Findings and Recommendation recommending this Court dismiss the action pursuant to Rule 12(b)(6) Fed.R.Civ.P. for failure to state a claim upon which relief may be granted. *Doc. 12.*


Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the February 10, 2009 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to

review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After reviewing the record and applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety. Accordingly, **IT IS HEREBY ORDERED** Plaintiff's Complaint (*Doc. 1*) is **DISMISSED**.

The Clerk of Court is directed to close this matter and enter judgment pursuant to Rule 58 Fed.R.Civ.P.

DATED the 3<sup>rd</sup> day of March, 2009.



RICHARD F. CEBULL  
UNITED STATES DISTRICT JUDGE